

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-40 are pending in this application. Claims 1, 20, 21 and 22 are amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the Office Action dated June 6, 2006, claims 1-5, 7-8, 10, 16-29, 32 and 38-40 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Wilde, U.S. Patent No. 5,991,753. Claims 6, 9, 11, 30-31 and 33 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wilde in view of Menage, U.S. Patent No. 6,618,736. Claims 12-15 and 34-35 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wilde in view of Menage and further in view of Hay, U.S. Patent Publication No. 2002/0103904. Claims 36 and 37 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wilde in view of Menage and further in view of Byrnes, U.S. Patent No. 6,832,249.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Interview at USPTO of July 5, 2006

Applicants' representative thanks the examiner for the courtesies extended during the in-person interview at the USPTO. During the interview, the differences between Wilde and the pending applications were discussed. The proposed claimed amendment corresponds to the discussion with the Examiner. Favorable consideration is respectfully requested, based on the remarks below and the discussion during the interview.

Rejections based on Wilde, U.S. Patent No. 5,991,753

A number of claims stand rejected based on Wilde, or Wilde in combination with other references. As proposed during the interview at the USPTO, Applicants have amended the claims to more clearly recite that the file ID references the stub file. Applicants have further made it clear that the stub file is a private file that is used to reference a shared file. Support for the language of this amendment may be found at paragraph 0083:

The database **610** contains a set of records **112** with record fields of file ID and file name. Each such stub file **606** has a corresponding file ID with a corresponding value that can be obtained by means of operation system file system driver (this corresponds to the UNIX concept of inodes). Every file ID is a unique value within a particular file volume.

At least these aspects of the independent claims are not disclosed by Wilde. Wilde, in fact, discloses something entirely different – in Wilde, the file ID references the **migrated** file. This may be seen, for example, at column 7, lines 6-18:

The fact that the stub file contains the bitfile ID means that the if the stub file is copied, or backed up and restored, it still references the migrated file.

Furthermore, Wilde cannot be said to have a private stub file that references the shared file.

Furthermore still, as discussed during the interview at the USPTO, all of the independent claims recite the aspect of

accessing, based on the file ID, the modified copy if modifications have been made; and

accessing, based on the file ID, the shareable computer file if modifications have not been made.

This is the opposite of Wilde, where, once a file has been migrated, the system of Wilde works on the copy of the file (see 31 in FIG. 3 of Wilde), not on the original file (see 30 in FIG.

3). The following passage in Wilde, see col. 7, lines 30-48, explains this aspect of Wilde, and underscores the differences between the claim language and the system of Wilde:

The operation of the file migration system of the preferred embodiment is illustrated in FIG. 3. In the system illustrated in FIG. 3, there are two resident files 38 and 40 and one non-resident file 32. In a file system supporting migration, files are always in one of two primary states: resident or nonresident. A resident file is a file with all of its contents stored on the local disk. A non-resident file is one that has been migrated. With a resident file, both the attributes of the file and its contents are located on the local disk 31. When first created, all files are resident files.

A non-resident file is a file that has been migrated; its contents have been copied to a migration store 30 and the original file turned into a stub file 34. Although the contents of a non-resident file are on the store 30, all its normal attributes are kept on the local disk 31. **It is only when a file's contents are accessed that the store copy 32 is reloaded and the file becomes resident again.** Other than speed of access of the file's contents, non-resident files are indistinguishable from resident files.

Accordingly, in view of the above discussion and the amendment to the claims, Applicants respectfully submit that all of the pending claims are allowable over Wilde, or any combination of Wilde with the other cited references.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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Date: July 17, 2006

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